



## Austin City Council MINUTES

For JANUARY 13, 1983 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

### City Council

Carole Keeton McClellan  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

Council Members  
Larry Deuser  
Roger Duncan  
Richard Goodman  
Ron Mullen  
Charles E. Urdy

Nicholas M. Meiszer  
City Manager

Grace Monroe  
City Clerk

### Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council at 1:00 p.m., noting the absence of Councilmembers Mullen and Duncan, who both arrived at 1:05 p.m.; Councilmember Deuser, who arrived at 1:12 p.m.; and Councilmembers Goodman and Urdy and Mayor McClellan who arrived at 1:15 p.m.

### INVOCATION

The Invocation was given by Reverend John N. Price, St. George's Episcopal Church.

### RECESS WAITING FOR QUORUM

Mayor Pro Tem Trevino recessed the meeting at 1:04 p.m. to wait for a quorum. The meeting was resumed at 1:20 p.m. with Mayor McClellan presiding.

### PROCLAMATION FOR HARRY NOLEN

Mayor McClellan read a proclamation citing Harry W. Nolen, who served the Austin citizens between 1923-1926 as Superintendent of Police and Public Safety under the City's Commission form of government. He also was an Alderman. At age 91, Mr. Nolen is still a concerned Austin citizen.

Mr. Nolen thanked the Mayor and Council for the proclamation and presented them with his "Annotations of a Modern Samuel Peppys" which are his memories of life in Austin in the early 1900's.

**CONSENT RESOLUTIONS**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easement

Authorized release of the following Easement:

- a. 2.5' of a 10' Public Utility Easement on Lot 26, Cinnamon Ridge, 1604 Cinnamon Path. (Requested by Mr. John S. Lloyd)

Leased Space

Approved the lease of space for the Personnel Department and the Affirmative Action Office. (Byram Building, 150 East Riverside Drive)

License Agreements

Approved entering into the following License Agreements:

- a. The encroachment of an aerial passageway and landscaping across and into the public right-of-way of West 5th Street approximately 125' West of Campbell Avenue and adjoining Lots 1 and 2, Lake Austin Commons. (Requested by Mr. William D. Brown)

Change Orders

Approved the following Change Orders:

- a. In the amount of \$15,397.00 to Austin Engineering Company for Friendswood/Vernon Avenue, Paving and Drainage Improvements. (16.22% increase in original contract) C.I.P. Nos. 73/62-01 & 75/22-09.
- b. In the amount of \$34,465.00 to Woody's Contracting Company for Old Main Library Renovations Phase II. (8.1% of the original contract) CAPITAL IMPROVEMENTS PROGRAM no. 75/85-02.

Land Fill Site

Authorized and approved contract with Henningson, Durham and Richardson (HDR) for permitting existing landfill site in the amount of \$25,000.00 CAPITAL IMPROVEMENTS PROGRAM No. 74/60-07.

Davis Water Treatment Plant

Approved a Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and Bryant-Curington, Inc., for the Davis Water Treatment Plant - Hydraulic Capacity Improvements for the Water & Wastewater Department - \$660,000. CAPITAL IMPROVEMENTS PROGRAM No. 76/22-84.

Contracts Approved

Approved the following contracts:

- a. ADVANCED OFFICE SYSTEM  
5555 N. Lamar Boulevard  
Austin, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Patient File and Microfilm  
Storage Equipment for Brackenridge  
Hospital  
Items I & II - \$125,846.00  
Equipment 3B
- b. ALICE ROOFING AND SHEET METAL WORKS,  
INC.  
5446 Hwy. 90 East  
San Antonio, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Re-roofing of stage Loft, Truck  
Dock and Dressing Room areas of  
Palmer Auditorium - \$54,524.00  
C.I.P. No. 81/80-02
- c. OLYMPUS CORPORATION  
4 Nevada Drive  
New Hyde Park, N. Y.
  - One (1) Gastrointestinal  
Fiberscope for Brackenridge  
Hospital - \$8,300.00
- d. OLYMPUS CORPORATION  
4 Nevada Drive  
New Hyde Park, N.Y.
  - One (1) High Intensity Light  
Source for Brackenridge  
Hospital - \$5,400.00
- e. JAHN DENTAL SUPPLY  
507 Brooklyn  
San Antonio, Texas
  - One (1) Panographic X-Ray  
Ritter Panorol for Austin  
Travis County Health  
Department - \$10,356.00
- f. Bid award:
  - Trap Rock Aggregate, Public  
Works Department  
Twelve (12) Month Supply Agreements  
Total \$413,430.00.
  - (1) WHITE'S MINES, INC.  
116 E. Travis Street  
San Antonio, Texas
    - Items: 1.1 thru 1.2 - \$281,760.00
  - (2) ODEEN HIBBS TRUCKING COMPANY  
1807 Hydro  
Austin, Texas
    - Items 1.1 thru 1.2 - 131,670.00
- g. A.I.M., INC. (MBE)  
3720 San Jacinto at Alabama  
Houston, Texas
  - Steel Lockers and Accessories,  
Police Department  
Item 1, 279 ea.  
Total \$25,573.14
- h. SIEMENS-ALLIS, INC.  
12200 Northwest Freeway  
Houston, Texas
  - Electric Motor, Water and  
Wastewater Department  
Item 1 - \$5,292.00
- i. WESTINGHOUSE ELECTRIC CORPORATION  
201 N. St. Mary's Street, Suite 512  
San Antonio, Texas
  - Inspection of Power Transformer,  
Electric Utility Department  
Item 1 - \$5,765.00

Sale of City-owned Property

Authorized approval of contract award for the disposal by sale of City-owned property to Allan J. Tolbert III, 1005 Payne Avenue, in the amount of \$8,500.00. (Revenue Producing)

Membership Fee

Approved the \$5,000 membership fee for Brackenridge Hospital's continued membership in the National Association for Public Hospitals. (Approved by Hospital Board)

Contract with ACC

Approved the proposed contract between Brackenridge Hospital and the Austin Community College for rental of floor space on the 3rd floor of the old Brackenridge Hospital building for a period of one (1) year, with a rental rate of \$1,800 per month. (Approved by Hospital Board)

Training Program for Women

Authorized and approved a contract award for consultant services for the development of a training program for women in non-traditional jobs to the Austin Women's Center (MBE), in the amount of \$6,000.00.

William Cannon/North Bluff Drive

Approved acceptance of the provisions of the State Department of Highways and Public Transportation Commission Minute Order No. 80240 as it concerns the Urban Systems Program and the William Cannon/North Bluff Drive Overpass at IH 35.

Public Hearing Set

Set a public hearing on the adoption of a new Chapter 9-11 (Trees) of the City Code for February 3, 1983 at 7:00 p.m.

Bonds for Austin Airport Hotel Associates

Approved an agreement by the Austin Industrial Development Corporation to issue bonds for Austin Airport Hotel Associates.

Maconda Park Elevated Water Storage

Extended for one week the time for executing the Maconda Park Elevated Water Storage Agreement. (After consideration by the Water & Wastewater Commission.)

Item Postponed

During the consent motion on the resolutions, Council agreed to pull for one week (to January 20, 1983) consideration of a license agreement to surface and sub-surface encroachments relating to Republic Plaza 1, 2 and 3 (the area between West 3rd and West 4th Streets bounded by Guadalupe & Lavaca Street). (Requested by Watson-Casey Companies.)

## CONTRACT APPROVED

The Council, on Mayor Pro Tem Trevino's second, adopted a resolution approving the following contract: (7-0 Vote)

PRICE WATERHOUSE  
1200 Milam Street, Suite 2900  
Houston, Texas

- Comprehensive Financial Plan,  
Water and Wastewater Department  
\$189,000.00

## CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Free Fare Day

Established Tuesday, February 8, 1983 as Free Fare Day for the Austin Transit System as a promotional activity in conjunction with Transit Awareness Week.

Contract Extension for ACT

Appropriated \$79,237.08 out of annual access monies to provide a contract extension to Austin Community Television for Interim Access Management; \$39,618.54 for three month contract and \$39,618.54 for an option to extend the contract a maximum of three additional thirty days. (Passed an ordinance appropriating money and adopted a resolution to extend the contract.)

Operating Budget Amendment

Amended the 1982-83 Operating Budget by appropriating \$189,000 plus \$9,500.00 from the Water and Wastewater Utility Fund balance for a consultant study on Water and Wastewater Comprehensive Financial Plan.

Zoning Ordinance - Third Reading

Passed through THIRD READING of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change:

M.K. PARSONS  
By Miguel "Mike"  
Guerrero  
C14-82-078

11101 Selma & 111000  
& 11102 Plains Trail

From Interim "AA" 1st  
to "LR" 1st H&A

(4-2-0 Vote, Councilmembers Duncan and Deuser voted No, Councilmember Goodman abstained.)

PARADE PERMIT

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, approved the request for a Parade Permit from Donya M. Andrews for Austin American-Statesman as follows: (7-0 Vote)

Capitol 10,000, from 10:00 a.m. to 12:00 noon, Sunday, March 20, 1983, beginning at 15th and Congress, West on 15th (& Enfield) to Exposition Boulevard, left on Exposition, left on Lake Austin Boulevard, right on West 1st Street and right on the 1st Street Bridge, right on Riverside Drive and enter the finish area on Auditorium Shores.

LOAN DETERMINATION POLICY REVISION

Ms. Paula Manning, Office of Neighborhood Revitalization, reported on the recommendation to revise Loan Determination Policy, as follows: "There are two reasons we felt the revision essential. We have found great inequities in the present system toward the elderly in particular causing them to have to pay back large sums on their loans. We felt a revision was needed because we need to revise the manner in which the money comes back to the City and need to allow for a maximum return but spread the effect of the return over the bulk of the citizens receiving the service."

Bruce Belvin, who is in charge of program development for the Office of Neighborhood Revitalization, briefed the Council on the proposal as follows: "Our staff was asked to look at a problem relative to our elderly clients who are not participating effectively in the program because they were asked to repay an inordinant percentage of their income in monthly loan commitments with the present loan procedure. Our analysis indicated that the present system penalized elderly people in such a way as to take away the net effect of other benefits that they were receiving. Local governmental entities are giving tax exemptions to the elderly and our system, in effect, is taking that away from them. ... So we needed to define a system that would equate to the benefits that elderly people were receiving from other sides of the governmental entities and to reward their frugality. We have designed an approach dividing our clients into two separate categories, elderly and non-elderly. Elderly would be those who are 62 years of age and older, and then our

## REVISION - (Continued)

non-elderly clients, every one who falls below that age. This will benefit the elderly by not requiring them to pay so much for their housing costs and we can gain through our non-elderly population by having them participate more in a partnership type of arrangement with the City in achieving our housing rehabilitation. As such we are proposing some matching requirements for our elderly people as it relates to our \$14,000.00 guidelines and depending on their income and ability to repay the City would make a contribution and those people would be asked to make a contribution through a loan based on 3% ten year amortization schedule. That is what the problem was and how we analyzed it and what we hopefully will see as a solution....."

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted a resolution amending Policy Guidelines, Section 4.03 (revising Standard Low Interest Loan Determination Policy.) (7-0 Vote)

NORTH AUSTIN MUNICIPAL DISTRICTS #1 AND #2  
PUBLIC HEARINGS SETMotion Made and Withdrawn

Councilmember Goodman made a motion, seconded by Mayor McClellan, to adopt a resolution to set a public hearing to amend the Comprehensive Plan related to the North Austin Municipal Utility District #1 and #2 for January 20, 1983 at 2:00 p.m. The motion and second was withdrawn. (Request for the hearing was from the MUD's.)

Later in the Day, the following motion was made:

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, set two public hearings on an amendment to the Comprehensive Plan related to the North Austin Municipal Utility District #1 and #2: January 20, 1983 at 2:00 p.m. and January 27, 1983 at 5:00 p.m. (7-0 Vote) (Request for the hearing was from the MUD's.)

## SHORT RANGE OPTIONS FOR HOUSING TRANSIENTS

Linda Rodriguez, Human Services Department, presented the City Manager Report on Short-Range Options for Housing Transients. She discussed the report given to Council. CITY CLERK DID NOT RECEIVE COPY. Ms. Rodriguez said there are 24 options, among them is St. David's Episcopal Church which may provide for 100 people if portable toilets, mattress pads and blankets are donated.

Tony Hearn, St. David's Episcopal Church, informed Council that their offer was a preliminary discussion and since then have determined that they do not have the facilities appropriate for overnight shelter.

## TRANSIENTS - (Continued)

Robb Southerland told Council he co-owns a warehouse at 208 Nueces which they will be happy to donate for three or four months for overnite housing of transients. He said the warehouse contains 20,500 square feet and does have a leaky roof.

Councilmember Duncan asked staff to prepare an item for action.

City Manager Meiszer said that this will handle short term emergency assistance and that there are several alternatives available for a long term solution. He said he will coordinate and work with the private sector and investigate the offer of Mr. Southerland.

## PUBLIC HEARING - DEFINITION OF "IMPERVIOUS COVER"

Mayor McClellan opened the public hearing set for 2:00 p.m. on an amendment to Chapter 13-3 (subdivisions) of the Austin City Code to define "impervious cover" for the purpose of the Barton Creek Watershed.

Don Sansom, Urban Engineering Group, said he would like to have commercial lot defined and any allocation applied strictly to that lot. He said they need a clear definition that will apply to all tracts.

Mr. Richard Ridings, Director of Public Works, explained that they include streets in the subdivision as a part of impervious cover. Councilmember Mullen said that streets which are already built will not count in the impervious cover but if the street is extended, then it is. A discussion followed.

Pete Dwyer told Council it is not hard to determine the major roadway in the Barton Creek Watershed.

Bert Kromack said the intent of the Barton Creek Ordinance is to take a rural creek and keep it in that stage. He said there will be one house to 2-3 acres of land according to the ordinance but commercial development will increase the impervious cover. Mr. Kromack told Council they are trying to amend the ordinance to make it weaker than an already weak ordinance.

Frank Cooksey, Save Barton Creek Association, said streets were intended to be included in the impervious cover definition.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-3 (subdivisions) of the Austin City Code to define "Impervious Cover" for the purpose of the Barton Creek Watershed, adopting the version including streets as a part of impervious cover definition. (7-0 Vote)



## HEARING - (Continued)

Mayor McClellan opened the public hearing set for 2:00 p.m. on an amendment to Chapter 9-10 (Rivers, Lakes and Watercourses) of the Austin City Code to define "Impervious Cover" for the purpose of the Barton Creek Watershed.

No one appeared to be heard because discussion already completed applied to this hearing also.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 9-10 (Rivers, Lakes and Watercourses) of the Austin City Code to define "Impervious Cover" for the purpose of the Barton Creek Watershed adopting the version including streets as a part of impervious cover definition. (7-0 Vote)

## HEARING TO BE CONTINUED

Mayor McClellan opened the public hearing set for 2:45 p.m. on an appeal by Mr. Scott D. Pinkerton of the Planning Commission's decision on removal of a Plat Note regarding access to Loop 360. C8s-82-129 & C8s-79-245.

Mayor McClellan told Council she had received a memorandum from Albert DeLaRosa, City Attorney, requesting the hearing be continued to February 3, 1983 because there are some negotiations going on and if they are successful the appeal will not be needed.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, voted to continue the public hearing to February 3, 1983 at 2:45 p.m. (6-0 Vote, Councilmember Goodman was out of the room.)

## CONTRACT TO BE BROUGHT BACK

Council had before them a resolution to approve the following contract:

SOFTWARE AG OF NORTH AMERICA, INC.  
11800 Sunrise Valley Dr., Suite 917  
Reston, Virginia

- Data Base Management System  
Software, Information Systems  
Department - \$255,200.00

Mayor McClellan asked why the 2nd lowest bidder was recommended. Mr. Hugh Standifer, Director of Information Systems, stated that there was a question about whether the low bidder had met the specifications. He said the City had never had an RFP for data base before and so perhaps not enough was put in the specifications required. Mr. Meiszer, City Manager, told Council if there is an objection from a vendor, then he would like to work on it and either solve the problem or take the contract off the agenda. Councilmember Mullen said that would be fine. Item is to be placed on the January 20, 1983 agenda.

## CIVIL SERVICE COMMISSION APPOINTMENT

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted a resolution confirming the appointment of Gerald F. Henderson as a member of the Civil Service Commission. (6-0 Vote, Councilmember Goodman absent.)

## INTERVENTION APPROVED

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted a resolution authorizing an intervention, protest or comment upon the City of Round Rock's application to the PUV for expansion of its water and wastewater service area. (7-0 Vote)

Prior to the vote, Councilmember Mullen said this is in Round Rock's watershed. Mr. Meiszer, City Manager, pointed out the City of Austin is not prepared to serve the area. He said there is a meeting with Railroad Commission officials tomorrow and the City needs Council approval to intervene.

## MEALS-ON-WHEELS PROGRAM

Mayor Pro Tem Trevino brought a resolution before Council to consider possible options available to assist Meals-on-Wheels program on a short-term basis in the East Austin Area. He said the kitchen in east Austin which has been used for the program is being closed due to the high cost of utilities. Jorge Carrasco, Assistant City Manager, told Council that the Park & Recreation Department might assist in keeping the program in East Austin and the Pleasant Valley Apartments and Faith Lutheran Church have offered to help. Mayor Pro Tem Trevino said the Pan American Center could possibly be used and a church in northwest Austin is interested in helping. He asked the staff to check to see if there is a need for this type of program in northwest Austin. Mr. Carrasco stated he will check all possibilities.

## EXECUTIVE SESSION

Mayor McClellan announced Council will go into an Executive or closed session pursuant to Article 6252-17 V.T.C.S. to discuss the following matters:

- a. Board and Commission appointments - Section 2, Paragraph g.
- b. Pending and contemplated litigation - Mueller, et al v. City of Austin - Section 2, Paragraph e.
- c. Pending litigation - City of Austin v. Maufrais - Section 2, Paragraph e.

After such closed or executive session, any action to be taken will be done so in open meeting.

## RECESS

Council recessed its meeting at 3:20 p.m. and resumed its recessed meeting at 4:45 p.m.

## BOARD &amp; COMMISSION APPOINTMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved the following board and commission appointments: (7-0 Vote)

Dental Health Advisory Committee, Dr. Edwin White, term to expire 3-1-83; Environmental Board, Gloria Leal and Michael Edgar, terms to expire 7-1-83; Commission on Status of Women, Bekki Lammert, term to expire 6-30-84; Arts Commission, Erasmo Andrade and Romelia Escamilla, terms to expire 10-1-84; Medical Assistance Program Advisory Board, Mary Savage Walker and Sharon Ersch, 12-1-84; (The Mayor announced Dr. Sheffield is moved to citizen representation); Board of Adjustment, Dorothy Richter, Floyd Clark, Natalie deBlois, with terms expiring 3-1-85; EMS Quality Assurance Team, Dr. Donald Patrick, Dr. Barry Hafkin, Dr. Charles Gregory and Mike Levy, terms expiring 3-1-85; Heating, Air-Conditioning and Refrigeration Appeals Board, Calvin Fought and George Smith with terms expiring 1-1-85; Library Commission, Valerie Dunnam, Gensie Hemphill, Alan Minter, terms to expire 1-1-85 and Beulah, Mary Riggs, terms to expire 1-1-84; MH/MR Public Responsibility Committee, Toni Casteel and Diane Mommsen, terms to expire 1-18-84; Citizens Traffic Safety Commission, Clyde Lee, Nell Dickey, William White, Dr. David Williams, George Gustafson, Edith James with terms expiring 1-1-85; Urban Transportation Commission, Stacy Suits, Kenny Hosen, Douglass Nichols, Charles Hrcir and Charles Eskridge, with terms expiring 1-1-85.

Sesquicentennial Committee

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, appointed Hector Fabela, Charles Guerrero, and Maline McCalla to the Sesquicentennial Committee. (7-0 Vote)

## OPEN CONTAINER ORDINANCE

Mrs. Marcy Fletcher appeared before Council to discuss her opposition to the ordinance presented by Councilmember Deuser on the open container on 6th and Congress. She said Austin already has laws to cover getting rid of the undesireables. She said it might keep debris off the streets but she will challenge the ordinance if it is passed.

Dr. Emma Lou Linn, representing members of the Old Pecan Street Association, said they want the ordinance as a safety device. She cited instances of people throwing bottles in the streets and endangering the life of pedestrians.

Councilmember Deuser said he wants to continue East 6th Street as a fun and open place. He said he has discussed the ordinance several times and feels the law is defensible with the majority of businesses 20-1 being in favor. Councilmember Urdy said this law applies to a limited area and there are more problems elsewhere. Chief Dyson said the only problem he sees with the ordinance is identifying one area boundary, but Legal will clarify that. He also said there are other problem areas and if this ordinance proves successful, Council may want to consider including 11th and 12 Streets.

## OPEN CONTAINERS - (Continued)

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance banning open containers of alcoholic beverages in the 6th Street Historic District and the Congress Avenue Historic District. (7-0 Vote)

## ST. PATRICK DAY PARADE

Mr. Richard "Bud" Flynn invited the University of Texas Longhorn Band to march in the 1983 St. Patrick's Day Parade in New York City. He also said wino's do not cause trouble on 6th Street, that he was jailed and lost his leather jacket and that the dogs in Clarksville should be chained or trained.

## ZONING ORDINANCE DISCUSSED

Councilmember Deuser asked Council to consider amending the Zoning Ordinance to require a 3/4 majority or more vote of the City Council to overturn a negative vote by the Planning Commission on a zoning change.

Mrs. Dorothy Richter told Council in 1981 she asked them to go back to the three-fourths rule. She feels the City Council really should not decide because it becomes too political.

Councilmember Mullen pointed out that 95% of the cases the Council receives from the Planning Commission are passed. He said the changing of the ordinance would make the Planning Commission more powerful and it is already difficult for the Council so he will vote against the motion. Mayor McClellan pointed out that this would mean shifting more decision to the Planning Commission.

Motion - FAILED

Councilmember Deuser made a motion, seconded by Councilmember Duncan to send to Planning Commission for review an amendment to Zoning Ordinance to require 3/4 majority or more vote of the City Council to overturn a negative vote by the Planning Commission. Motion FAILED TO PASS by a vote of 3-4, Councilmembers Goodman and Mullen, Mayor McClellan and Mayor Pro Tem Trevino voted NO.

## ITEM TO BE BROUGHT BACK

Mayor McClellan had introduced an item to Council to appoint a member to the Travis County Appraisal District Board and asked that it be put on the January 20, 1983 agenda.

## PUBLIC HEARING - DAVENPORT RANCH MUD SERVICE

Mayor McClellan opened the public hearing set for 5:00 p.m. on the provision of water service by the Davenport Ranch Municipal Utility District to areas outside the boundaries of the Davenport Ranch.

Mr. Carl Schwing, Director of Water and Wastewater Department, showed maps to the Council of the water service area proposed. He said there have been several meetings regarding this with the people in the area, the Water and Wastewater Commission and the Planning Commission. Mr. Schwing told Council, "The Water and Wastewater Commission passed a motion last evening that out of district service from Davenport Ranch be denied, that collective wastewater service be provided at the developers expense by small diameter pressurized collection systems and the City water service be provided at developers expense." He also referred to other department reports which were submitted to Council prior to this time.

Mr. Lillie, Director of Planning, told Council: "The Planning Commission, on January 11 did consider the extension of utilities outside the boundary and I think they distributed copies of the minutes to you of their recommendations to allow the extension under certain conditions which are: (1) no bonding authority be used to construct the facilities; (2) no service be provided without subdivision approval; (3) that contract documents and financing schemes are to be submitted for approval by the City of Austin; (4) that no construction is to occur on facilities without the approval of plans by the City of Austin; (5) that there be a guarantee against incorporation of new cities in the area; (6) out of district service be provided to properties only after property owners request limited purpose annexation from the City of Austin as provided in the City Charter."

James M. Rose appeared before Council to say he owns the River Crest Water System and has spent a lot of money on it. He said there are several homes connected to his system and he needs protection for his system and his investment. Mr. Rose said when the area is all built out his water system will serve 100 homes. While Mr. Rose told Council he does not oppose the MUD his system is valued from \$330,000 to \$450,000.

Jerry Goff, Westview Corporation, told Council they do not intend to take over Mr. Rose's system or do anything the landowners do not want to do. He said they are under the Peninsula Ordinance and their system is designed with the Austin criteria. Fire protection capabilities as a result of the system hook-up will be a big asset.

Beth Maurium told Council she approves of the MUD proposal.

John Mussleman, who is building a home in the Davenport Ranch area, said he favors the proposal because there are little or no regulations out there and it would be far cheaper than to have to put in his own system.

Emmett Shelton discussed the West Lake Hills area and said developing is costly. He said if the Davenport people have water and are willing to put it in then they should be allowed to.

Mary Arnold told Council that good planning is essential.

## MUD - (Continued)

Bill Crawford, who represents a 36 acre parcel near the Davenport Ranch said they need to find a water source soon and the Davenport line would be the best for their subdivision. He urged Council's approval.

Daron Butler, representing trustees of River Bend Baptist Church, said they would like to see Davenport granted the contract.

Gary Bradley also favors the proposal.

Melinda Massarra, Peninsula Neighborhood Association, said they need water that has been well planned.

Pat Otis, representing Eanes 2001, said they recommend a postponement of the Davenport MUD until all their plans are complete.

Jackie Jacobson, Lake Austin Hill Country Association, said they have not seen a plan and there is no zoning control.

Jerry Goff returned for a summation to say they are complying with all City subdivision ordinances.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Mullen closing the public hearing and to adopt resolution allowing water service by the Davenport Ranch Municipal Utility District to areas outside the boundaries of the Davenport Ranch. as recommended by the Planning Commission: (1) No bonding authority to be used to construct the facilities; (2) No service be provided without subdivision approval; (3) Contract documents and financing schemes are to be submitted for approval by the City of Austin; (4) No construction is to occur on facilities without the approval of plans by the City of Austin; (5) There will be a guarantee against incorporation of new cities in the area

Prior to the roll call vote, Councilmember Mullen asked if "General Rose's concerns are taken care of?" Mr. Jim Nias, Assistant City Attorney, asked if Mr. Rose has a Certificate of Convenience and Necessity from the Public Utility Commission. Mr. Rose said he does. Councilmember Mullen said the Council does not intend to put him out of business. Mr. Nias said the Public Utility Regulatory Act gives Mr. Rose greater protection than anything the City of Austin could offer.

Councilmember Duncan commented that his first preference before he arrived at the meeting was for annexation, to request the MUD to annex the additional territory "because there does seem to be a wastewater problem in particular that I don't know how to deal with."

MUD - (Continued)

Friendly Amendment - Not Accepted

Councilmember Duncan offered a friendly amendment to include in addition to the motion passed by the Planning Commission to initiate limited purpose annexation proceedings on this property". Councilmember Goodman did not accept the friendly amendment.

Councilmember Goodman said he thought limited purpose annexation would torpedo out of district service that the people are requesting from the Davenport MUD and as a consequence no real action would be taken by Council.

Roll Call on Motion

6-1 Vote, Mayor Pro Tem Trevino voted No.

## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT

Mayor McClellan opened the public hearing set for 5:00 p.m. on an appeal by the North Austin Civic Association of the Planning Commission's decision to grant a Special Permit. (C14p-82-069) Lanier Village Apartments, 833 Fairfield Street, consisting of 160 units. Applicant is Area Services Incorporated and Jay Williams is the agent.

Mr. Lillie, Director of Planning, reviewed the zoning case which he said is a 7 3/4 acre site with access from Fairfield Drive.

Jerry Harris, representing applicant, told Council the property is on a tributary that runs into Little Walnut Creek. The plan is to have twenty two story units with access from a single driveway. The property is 400' from North Lamar and 9/10 miles to U.S. 183. Mr. Harris said they will not impact the flooding and are staying out of the 100 year flood plain. The Planning Commission, he said, approved the site plan with a 5-2 vote.

Merle Moden, North Austin Civic Association, told Council he does not oppose the apartments but wants quality development. They want the traffic impact alleviated and are concerned with the site design because there is a lot of fill on the property.

Councilmember Duncan asked Mr. Moden if he has any suggestions concerning directing traffic to Lamar. Mr. Moden said he would suggest creating another lane from the apartment driveway to Lamar. Mr. Harris answered a question about trees by saying all that can be kept, are being kept. After more discussion concerning traffic and driveways, the following motion was made:

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, closed the public hearing, and approved the granting of Special Permit C14p-82-069, Lanier Village Apartments, 833 Fairfield Street. (7-0 Vote.

ADJOURNMENT

Council adjourned its meeting at 7:00 p.m.